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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of

MM Docket No. 92-316

Bowen's deposition, which Sample claims support conclusions that "Mrs. Bowen has had very little involvement with the Rivertown application," and that her husband "has been involved in the affairs of Rivertown," warranting his cross-examination "on his role with Rivertown at present and in the future as it relates to the amount of integration credit due Ms. Bowen."

Several of Sample's characterizations of Ms. Bowen's deposition are patently false. For example:

- 1) Sample claims "she does not know whether money supplied by Mr. Pritchard or David Brown to Rivertown as of the date of her deposition was a loan or a gift (Bowen TR 3, 35-36)." In fact, she testified at Tr. 35-36 (attached hereto) that advances by both Mr. Pritchard and Mr. Brown were loans, although she did not know what the repayment terms were.
- 2) Sample claims that Ms. Bowen "had no involvement in opening Rivertown's checking account (Bowen TR 35)." In fact, she testified that after Mr. Brown opened the account, she went in to the bank and signed the signature card, and that she maintains custody of the checkbook (TR 34, attached hereto).
- 3) Sample claims that Mr. Bowen "is a financial backer of the applicant while his wife, a nominal owner, has supplied no funds to Rivertown." In fact, as she testified at TR 35, Ms. Bowen has paid \$45 for her

stock in Rivertown. Her husband has agreed to lend Rivertown \$15,000 following grant of its application, but, as she testified (TR 58, attached), he has made no cash contributions to Rivertown. In short, Mr. Bowen is merely a potential lender to Rivertown -- hardly a "financial backer of the applicant" as claimed by Sample.

That David Brown, rather than Ms. Bowen, established Rivertown's local public inspection file in Eldon, and arranged for the newspaper publication of the appropriate notices, does not detract from the seriousness of Ms. Bowen's integration commitment. More importantly, the performance of these mundane tasks by Mr. Brown does not justify Sample's request to "cross-examine" Mr. Bowen.

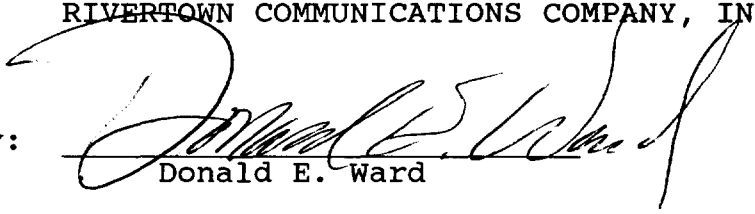
Nor is there any significance to the fact that undersigned counsel first spoke with Mr. Bowen, rather than with Ms. Bowen. That conversation was necessitated by Sample's since-denied Petition to Enlarge Issues challenging Rivertown's financial qualifications in general, and Mr. Bowen's failure to supply Rivertown with his personal balance sheet to demonstrate his ability to fulfill his letter commitment to lend \$15,000 to Rivertown. Similarly, that Mr. Bowen may have been present at most meetings between Mr. Brown and Ms. Bowen is unremarkable, given that they have been social friends for many years, and does not support Sample's claim that he "has been involved in the affairs of Rivertown."

In summary, Sample has totally failed to justify its request that Rivertown produce Mr. Bowen for "cross-examination," and in attempting to justify that request, Sample has misrepresented the deposition testimony.

Respectfully submitted,

RIVERTOWN COMMUNICATIONS COMPANY, INC.

By:

  
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May 18, 1993

COPY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re Applications of ) MM Docket No. 92-316  
RIVERTOWN COMMUNICATIONS ) File No. BPH-911008ME  
COMPANY, INC. )  
SAMPLE BROADCASTING ) File No. BPH-911010ME  
COMPANY, L.P. )  
For Construction Permits ) Deposition of:  
For a New FM Station on ) ELLEN M. BOWEN  
Channel 282C3 at Eldon, )  
Iowa )

APPEARANCES:

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Transcript of deposition proceedings held on the  
2nd day of April, 1993, at City Hall, Eldon, Iowa,  
before M. Jane Weingart, a Certified Shorthand Reporter  
of the State of Iowa.

1 Q. Did you ask what that stock was going -- what  
2 was going to happen, if anything, to that stock?

3 A. No, I haven't.

4 Q. Are you curious at all?

5 A. Well, yeah, I guess I'm curious, but I just  
6 figured that could wait until, you know, things got  
7 rolling.

8 Q. Selling the stock, what could wait?

9 A. Yeah, selling the stock, yeah.

10 Q. Does Rivertown Corporation have a checking  
11 account?

12 A. Yes, we do.

13 Q. Where is that located?

14 A. The Iowa State Bank in Fairfield.

15 Q. Does it have any other banking accounts?

16 A. What do you mean, Rivertown?

17 Q. Yeah.

18 A. No.

19 Q. Who deposits funds into the checking account?

20 A. I do most of the time now.

21 Q. Do you have physical possession of the  
22 checkbook?

23 A. Yes.

24 Q. And the blank checks?

25 A. Yes.

1 Q. Did you go alone to open the account or did  
2 you open the account?

3 A. No, Dave opened it, but later I went and  
4 signed my name on the card.

5 Q. Who else has signed their name on the card?

6 A. It's just Dave and I.

7 Q. Have you ever supplied any funds that were  
8 deposited into that account?

9 A. I put \$45 in for the shares.

10 Q. Has anybody else provided money which was  
11 deposited into that account?

12 A. Dave does.

13 Q. Has Mr. Pritchard provided money that was  
14 deposited into that account?

15 A. There, I think I did deposit a check from  
16 him.

17 Q. Was that check from Mr. Pritchard, was that a  
18 gift or a loan?

19 A. A loan.

20 Q. Do you know the terms of that loan?

21 A. No.

22 Q. How do you know that it's a loan?

23 A. Well, I would -- I don't think he would just  
24 give it, no.

25 Q. So you're assuming that it's a loan?

1 A. Yes.

2 Q. Do you know if David has loaned any money to  
3 the company or given any money to the company?

4 A. I'm sure, yes, he has.

5 Q. Which, both?

6 A. Well, I would, I would think he would want  
7 something back, I would say it was a loan.

8 Q. Do you know what the terms are for that loan?

9 A. No.

10 Q. Did you ever know what the terms were for  
11 that loan?

12 A. No. I would -- the logical thing for me to



1 A. Yes.

2 Q. Okay, and whose software, where were you when  
3 you typed this? Were you at your office at your job?

4 A. No, not at Excel, no.

5 Q. Where were you?

6 A. At the shop.

7 Q. At Dave's Plumbing and Heating shop?

8 A. Yeah.

9 Q. And he has software program that will print  
10 out like this?

11 A. Yes.

12 Q. When was the, this printout made, do you  
13 know, when was it actually printed out?

14 A. Before we filed, probably August.

15 Q. Of what year?

16 A. Or July, '91.

17 Q. Now, you mentioned that you purchased your  
18 stock from the corporation. Have you made any other  
19 contributions, cash contributions to the corporation?

20 A. No.

21 Q. Has your husband?

22 A. No.

23 Q. Do you know whether you are required to make  
24 any further cash contributions?

25 A. No. What I'm saying is, not, not yet, no,

CERTIFICATE OF SERVICE

I, Donald E. Ward, do hereby certify that I have this 18th day of May, 1993, caused to be served by first class United States Mail, postage prepaid, a copy of the foregoing "PARTIAL OPPOSITION TO SAMPLE BROADCASTING'S NOTIFICATION OF WITNESSES REQUESTED FOR CROSS-EXAMINATION" to the following:

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Donald E. Ward

\* By Hand